

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CARVANA, LLC,

Plaintiff,

v.

CARVANT FINANCIAL LLC,

Defendant.

Case No. 1:21-cv-3427-TCB

JURY TRIAL DEMANDED

**DECLARATION OF JEFFREY COHEN IN SUPPORT OF DEFENDANT
CARVANT FINANCIAL LLC’S BRIEF IN SUPPORT OF
ITS MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION
PURSUANT TO RULE 12(b)(2)**

I, Jeffrey Cohen, declare as follows in support of the Motion to Dismiss filed by Defendant Carvant Financial LLC (“Carvant”) in the above-captioned matter:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this Declaration.
3. I am authorized to make this Declaration on behalf of Carvant.
4. I am currently Chief Executive Officer and President of Carvant.
5. Carvant is a limited liability company organized under the laws of Delaware and has its principal place of business in Syosset, New York.

6. Carvant provides automobile financing services to consumers with subprime credit histories through a network of automobile dealerships.

7. Specifically, Carvant purchases retail installment contracts, or “notes,” from automobile dealerships to allow them to sell vehicles to their customers.

8. Carvant also services the installment loans that it purchases.

9. Carvant provides its services under and in connection with the trademark CARVANT (the “CARVANT Mark”), which it first used in commerce in 2010 and has registered with the United States Patent and Trademark Office (U.S. Reg. No. 3,907,376).

10. As stated on its website—a true and correct copy of which is attached hereto as **Exhibit A**—Carvant solicits business from and transacts business with and through automobile dealerships located in the states of Connecticut, Delaware, Florida, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina and Virginia.

11. Carvant has never solicited business from or transacted business with or through automobile dealerships located in states other than those listed in Paragraph 10.

12. Carvant does not directly engage in, and has not directly engaged in, any marketing in Georgia.

13. Carvant does not transact or solicit any business in Georgia.

14. Carvant does not provide, and has never provided, automobile loans directly to consumers in Georgia.

15. Carvant does not purchase or service loans from or through automobile dealerships located in Georgia, and it has not done so in the past.

16. Carvant does not own or control any subsidiaries located or incorporated in Georgia.

17. Carvant has no employees whose regular place of work is in Georgia.

18. Carvant does not own, lease, franchise, operate, market, or manage any offices in Georgia.

19. Carvant is not registered to do business in Georgia.

20. Carvant has not held title to or leased any real property located in Georgia.

21. Carvant is not a party to any franchise license agreement for any property in Georgia.

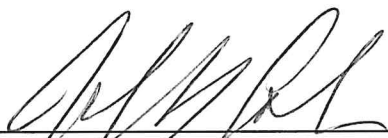
22. Carvant operates a website at <carvant.com>, but it does not issue or approve loans directly to consumers, including consumers located in Georgia, through that website.

23. To the extent Carvant has received payments from customers located in Georgia, it would be in only limited circumstances when the customer has obtained a loan from Carvant through a dealership located outside of Georgia and then unilaterally decided to relocate to Georgia after receiving that loan.

24. Carvant may have been named as a creditor in bankruptcy proceedings involving a Georgia resident only when that resident has filed for bankruptcy in Georgia and only for the limited purpose of protecting its interests as a creditor. Those bankruptcy proceedings did not involve or implicate Carvant's interest in or use of the CARVANT Mark; they were merely consumer bankruptcy cases in which Carvant was a named creditor on the consumers' automobile loans.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Executed this 15th day of September, 2021.



Jeffrey Cohen